



U.S. Department of Justice

Environment and Natural Resources  
Division

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December 22, 2023

Michael E. Gans, Clerk of Court  
U.S. Court of Appeals for the Eighth Circuit  
111 South 10th Street  
St. Louis, MO 63102

**VIA CM/ECF**

RE: Notice Regarding Availability for Oral Argument in *Arkansas v. EPA*, No. 23-1320; *Missouri v. EPA*, No. 23-1719; *Union Elec. Co. v. EPA*, No. 23-1751; *Southwestern Elec. Power Co. v. EPA*, No. 23-1765; *City Utilities of Springfield v. EPA*, No. 23-1774; *Allete v. EPA*, No. 23-1776; *Hybar v. EPA*, No. 23-1777; *Ark. League of Good Neighbors v. EPA*, No. 23-1778

Dear Mr. Gans:

Counsel of record for Respondents EPA and Administrator Michael Regan in the above-referenced cases write to advise the Court of existing obligations that would interfere with their abilities to sufficiently prepare for any oral argument scheduled during the Court's February term. Specifically, Ms. Jensen will be traveling internationally without access to phone or email between January 13 and February 4, 2024, and Ms. Lineberry will be traveling between February 8 and February 11, 2024. Counsel would accordingly have limited time to prepare and coordinate on this series of complicated cases between the current reply deadlines and the Court's February term. None of the above-referenced cases has yet been scheduled for argument. Counsel therefore respectfully requests that the Court not schedule oral argument (if granted) during the February 2024 term to accommodate EPA counsel's availability and allow adequate time for travel and preparation.

Sincerely,

s/ Miranda M. Jensen  
MIRANDA M. JENSEN  
AMANDA V. LINEBERRY  
JIN HYUNG LEE

Counsel for Respondents

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2023, I electronically filed the foregoing letter using the court's CM/ECF system, which will send notification of such filing to all counsel of record.

*s/ Miranda M. Jensen*  
MIRANDA M. JENSEN

Counsel for Respondents